



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 13, 2023

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Securities and Exchange Commission v. Garelick et al., 23 Civ. 5567 (PGG)

Dear Judge Gardephe:

The Government submits this letter motion respectfully requesting to file under seal its reply memorandum of law in support of motion to intervene and for a stay, as well its supporting Exhibit B. The Government has already filed a partially redacted version of the brief. ECF No. 37. The Government respectfully requests that the brief and Exhibit B be filed under seal as they contain nonpublic information that reveals the identity of a witness in the criminal case and would affect that witness's privacy interests and could compromise the integrity of the Government's criminal case. The Honorable Lewis J. Liman, who is the judge on the parallel criminal case, *United States v. Shvartsman et al.*, 23 Cr. 307, has already accepted Exhibit B for filing under seal. The parties consent to filing the brief and Exhibit B under seal.

MEMO ENDORSED

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

by: /s/ Matthew R. Shahabian
Assistant United States Attorney
(212) 637-1046

cc: Counsel of Record (by ECF)

The Government's application to seal is granted as to "Exhibit B" because that document reveals the identity of a potential Government witness, and disclosure of the witness's identity could, at this stage, compromise the Government's criminal case. As to the Government's Reply Brief, the ruling is the same as to the first full paragraph on ECF page 8, including the offset quoted paragraph. The sealing application is otherwise denied as to the Reply brief, because the remaining material redacted by the Government does not reveal the identity of the potential Government witness. The Government will please order a redacted version of its Reply brief that complies with this Order.

So Ordered. *Paul G. Gardephe*
Paul G. Gardephe, U.S.D.J.
December 12, 2023